

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 1792**

Chapter 419, Laws of 1997

55th Legislature  
1997 Regular Session

CERTIFICATION OF ENVIRONMENTAL TECHNOLOGIES

EFFECTIVE DATE: 7/27/97

Passed by the House April 21, 1997  
Yeas 89 Nays 0

CLYDE BALLARD  
**Speaker of the  
House of Representatives**

Passed by the Senate April 15, 1997  
Yeas 45 Nays 0

BRAD OWEN  
**President of the Senate**

Approved May 19, 1997

GARY LOCKE  
**Governor of the State of Washington**

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1792** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN  
**Chief Clerk**

FILED

May 19, 1997 - 7:28 p.m.

**Secretary of State  
State of Washington**

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ENGROSSED SUBSTITUTE HOUSE BILL 1792

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AS AMENDED BY THE SENATE

Passed Legislature - 1997 Regular Session

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives Chandler, Delvin, Hankins, Mastin, Linville, Veloria, Van Luven, Regala and Grant)  
Read first time 03/04/97.

1 AN ACT Relating to certification of environmental technologies; and  
2 adding new sections to chapter 43.21A RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.21A RCW  
5 to read as follows:

6 (1) The legislature finds that:

7 (a) New and innovative environmental technologies can help improve  
8 environmental quality at lower costs;

9 (b) Current regulatory processes often include permits or approvals  
10 that require applicants to duplicate costly technical analysis;

11 (c) The commercialization of innovative environmental technologies  
12 can be discouraged due to the costs of repeated environmental analysis;

13 (d) The regulatory process can be improved by sharing and relying  
14 on information generated through demonstration projects and technical  
15 certification programs; and

16 (e) Other states have developed programs to certify environmental  
17 technologies in order to streamline the permitting process and to  
18 encourage use of environmental technologies.

19 (2) The legislature therefore declares that the department shall:

1 (a) Review environmental technology certification programs  
2 established by other states or federal agencies, and enter into  
3 agreements to use the information from these programs if the department  
4 finds that this information will improve the efficiency and  
5 effectiveness of the state's environmental regulatory process; and

6 (b) Participate in technology demonstration activities that support  
7 the state's needs for environmental technology.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.21A RCW  
9 to read as follows:

10 (1) At the request of a project proponent, the department shall  
11 consider information developed through a certification program when  
12 making permit or other regulatory decisions. The department may not  
13 require duplicative demonstration of such information, but may require  
14 additional information as necessary to assure that state requirements  
15 are met. A local government that has a regulatory authority delegated  
16 by the department may use information developed through a certification  
17 program when making permit or other regulatory decisions.

18 (2) The department shall develop a certification program for  
19 technologies for remediation of radioactive and mixed waste, as those  
20 terms are defined in chapter 70.105 RCW, if all program development and  
21 operational costs are paid by the federal government or persons seeking  
22 certification of the technologies.

23 (3) Following the development of the certification program in  
24 subsection (2) of this section, the department may use the policies and  
25 procedures of that program on a pilot basis to evaluate the use of  
26 certification for site remediation technologies and other environmental  
27 technologies, if the operational costs of the certification are paid by  
28 the federal government or persons seeking certification of such  
29 technologies.

30 (4) The department shall charge a reasonable fee to recover the  
31 operational costs of certifying a technology.

32 (5) Subsections (1), (3), and (4) of this section apply to permit  
33 and other regulatory decisions made under the following: Chapters  
34 70.94, 70.95, 70.105, 70.105D, 70.120, 70.138, 90.48, 90.54, and 90.56  
35 RCW.

36 (6) For the purposes of this section, "certification program" means  
37 a program, developed or approved by the department, to certify the  
38 quantitative performance of an environmental technology over a

1 specified range of parameters and conditions. Certification of a  
2 technology does not imply endorsement of a specific technology by the  
3 department, or a guarantee of the performance of a technology.

4 (7) The department may adopt rules as necessary to implement the  
5 requirements of subsections (2) and (3) of this section, and establish  
6 requirements and procedures for evaluation and certification of  
7 environmental technologies.

8 (8) The state, the department, and officers and employees of the  
9 state shall not be liable for damages resulting from the utilization of  
10 information developed through a certification program, or from a  
11 decision to certify or deny certification to an environmental  
12 technology. Actions of the department under this section are not  
13 decisions reviewable under RCW 43.21B.110.

Passed the House April 21, 1997.

Passed the Senate April 15, 1997.

Approved by the Governor May 19, 1997.

Filed in Office of Secretary of State May 19, 1997.